MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, APRIL 20, 1998, 6:00 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 6:00 p.m. with the following present:

Chairperson	Mary Starr
Vice Chairperson	Tommy Scott
Commissioner	Emil Beltz
Commissioner	Nghiem Doan
Commissioner	Pat Lopez
Commissioner	Jack D. Mathis
City Engineer	John Hargrove
Director of Planning and Development	Dennis Smith
Secretary	Judy Highburger

Project Coordinator Alan Mueller and Commissioner Don Baker were absent.

II. APPROVAL OF MINUTES: Minutes of April 13, 1998.

A motion was made by Commissioner Emil Beltz, and seconded by Vice Chairperson Tommy Scott to approve the Minutes of April 13, 1998.

Motion passed to approve 5 to 1 (Nghiem Doan abstained).

III. NEW BUSINESS

A. **CONSIDERATION AND POSSIBLE ACTION** - Preliminary Plat of Willow Lake Estates, Section One, Lot 14 George W. Jenkins Subdivision (Vol. 79, Pg. 616, B.C.D.R.), Lots 1 and 2 Narregang's Subdivision (Vol. 01, Pg. 92, B.C.D.R.) and Lot 25 O.W. Willits Subdivision (Vol 03, Pg. 65, B.C.D.R.) and being in the W. D. C. Hall League, Abstract No. 70 Pearland, Brazoria County, Texas.

Variance Request:

Cul-de-sac length greater than 600 feet on Windcrest Court.

Mr. Al Lentz was present representing the owner, Willow Partners, Ltd., and said the property was formerly zoned Office Professional (OP) and now is zoned Single Family (R-1).

City Engineer John Hargrove asked Mr. Lentz the nature of the fee strip, and Mr. Lentz replied that it was purchased from Oxychem and now owned by fee simple that gives them the right to cross the fee strip.

Mr. Hargrove asked if Oxychem signatures were on the plat, and Mr. Lentz said no. Mr. Hargrove also asked if there was a recorded easement, and Mr. Lentz said yes, and he requested recordation data be put on the final plat.

Fire Marshal Larry Steed was present and stated the variance request for cul-de-sac length greater than 600′ was acceptable; however, with the pipelines and no second access to the area, he was uncomfortable with approving it.

Mr. Steed said there is a major pipeline at the entrance to the subdivision and an 8″ propylene in the rear, and if the current configuration is maintained and no second exit except for Mary's Creek or on foot through the woods and fences to the north end, he has grave concerns as to the safety of the residents. He went on to say that he has seen the devastation and the lives that have been lost, and wants the Commission to be aware of these dangers.

Mr. Lentz said there have been a number of subdivisions similar to this one that have been approved by the Commission with Oakbrook Estates being an example. However; Section Two was to have a second entrance within a year (this has been done).

Mr. Steed asked if the right-of-way of the second access has been purchased, and Mr. Lentz replied that negotiations are underway now and expect it to be finalized before the final plat is submitted.

Director of Planning and Development Dennis Smith said he, too, was uncomfortable with only one entrance and feels that just because it has been approved in the past is no excuse to continue approving in the future. He mentioned that the secondary r.o.w. between the churches should be acquired and dedicated now rather than waiting for Phase II.

Mr. Hargrove said staff recommended approval with the following exceptions:

1. Survey statement showing exterior monuments and foundations set.

2. Hold Harmless statement regarding the 100′ separation from pipelines on final plat.

3. Owner to the west of the plat to be identified.

4. Additional entrance on Hwy 518.

Commissioner Pat Lopez inquired into the spillways going into the bypass, the detail being put into it, and where the responsibility lies for erosion protection in these areas. Mr. Hargrove said those drawings were reviewed by staff and outfall details are under the authority of the Brazoria Drainage District #4 (BDD#4).

A motion was made by Commissioner Lopez, and seconded by Commissioner Nghiem Doan to approve the Preliminary Plat of Willow Lake Estates, Section One with staff exceptions.

Mr. Lentz said he did not want the project being held in a higher standard than others. Mr. Smith said at the recent City Council Retreat, variance requests were given a hard look at by Council. Mr. Steed said approval of the preliminary plat is acceptable with a second entrance on the final plat.

Commissioner Lopez amended his motion to include the requested items by Mr. Hargrove.

Motion passed to approve 6 to 0.

B. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of Sunrise Lake, Section One, 60.18 acres of land found in the John W. Maxey Survey, Abstract 721 Brazoria County, Texas.

Variance Request:

1. Twenty foot front building line on cul-de-sac lots.

2. Ten foot set back between houses.

Mr. Steve Gardner and Mr. Ken Caffey were present representing the owner, Amvest Properties, Inc.

Mr. Steed spoke to the Commissioners regarding the potential hazards of building houses too close together. The Subdivision Ordinance states 15′ setbacks are required. He would like to see 20′ setbacks. Mr. Smith said a 10′ setback only gives 6′ between eaves.

Mr. Hargrove said there was a request for a second exit at the extension of CR 90 in the future, but there is not one now that he is aware of.

Mr. Gardner said they have given half of the right-of-way and that the road needs to be where the traffic light will line up with the road.

Mr. Steed was concerned about a major traffic accident blocking entrance to the subdivision and a resident needing medical attention, thereby making an ambulance unable to enter.

Mr. Hargrove asked if there was a Master Plan of the area on file, and Mr. Gardner said yes, however, the property currently belongs to someone else. Mr. Caffey said there will be a double esplanade which is like a double entrance. Mr. Gardner said provisions have been made to purchase adjacent land to the west for another entrance which will come off CR 92 and can tie into CR 93 in the next section.

Mr. Steed said with a project the size of this one, there could possibly be 500-600 residents. Mr. Caffey said the Commission could withhold approval of the final plat contingent upon purchase of the property. Mr. Smith asked the time frame for Sections 1-2, and Mr. Caffey replied 1 to 1 1/2 years depending on the market.

Mr. Steed again stated his objection to variances of 10′ setbacks. Mr. Caffey said in the 1970's, there were numerous houses built with wood shingle roofs, and some residents stacked wood between houses which made even more of a fire hazard, and some of the communities in Pearland had 10′ setbacks.

Vice Chairman Tommy Scott said what we are looking at now is in the city limits, and many of the 10′ setbacks were in the MUD's in Silverlake. He said he, too, was uncomfortable with approving the requested variance.

Commissioner Lopez said approval of 10′ setbacks sends a message to the developers that P&Z will not hold to the Ordinance, which states setbacks are 15′.

Mr. Caffey said there have been some 10′ setback approvals in the City with Beazer Homes being an example of, and if P&Z holds this plat to 10′ it will put the developers in a bad competitive state.

Mr. Steed said he was not aware of the Beazer project variance request until it was already approved, and said he was upset about it.

Commissioner Emil Beltz asked if there is a number of plats coming forward requesting setback variances, and Mr. Hargrove said West Oaks Subdivision was one. Mr. Hargrove stated years ago this all started with Southwyck using 10′ setback lines according to an agreement with the City

which rationalized the 10′ setback on the basis of overall density comparisons.

Mr. Hargrove said staff recommended approval of the plat with the following exceptions:

1. Surveyor's statement.

2. Contour elevations need to be eligible.

3. Signatures of BDD#4.

4. Provide one temporary bench mark on plat.

5. Adjacent owners names.

6. Provision for 2nd access.

Ms. Renee West, 2510 Westminister, told the Commission that approximately 10-15% of her homes built in Pearland have 10′ setbacks, while most have 15′. This is because some floor plans will not fit on the lots any other way.

Commissioner Lopez said when the Commission approves 10′ setbacks on one plat, then all of them will be submitted.

A motion was made by Commissioner Lopez to approve the Preliminary Plat of Sunrise Lake Section One with the requested items of Mr. Hargrove, approval of the final plat contingent upon the Master Plan proposal for the second entry, approve the 20′ front building line on cul-de-sacs, and remove the 10′ setbacks between houses note. The motion was seconded by Vice Chairman Scott.

Motion passed to approve 6 to 0.

C. **CONSIDERATION AND POSSIBLE ACTION** - Review of Corridor Overlay Plan for Pearland Parkway/Oiler Drive.

Mr. Smith updated the Commission on changes to the Plan and presented slides of those changes.

Lot and Setback Standards - A, E (page 2)
Building Facade Standards - C1, D (page 3)
Landscaping Standards - A (page 5)
Screening Standards - A4: Other outside storage not allowed (page 6)
Screening Standards - B1, C3 (page 7)
Sidewalk Standards - D1 (page 8)

IV. NEXT MEETING DATE: Monday, April 27, 1998, 6:30 p.m.
Joint Public Hearing

V. ADJOURNED 7:24 p.m.

Minutes approved as submitted this 27th day of April A.D., 1998.

Jemmy Scott

Jemmy Scott ~~Mary Starr,~~ Vice Chairperson

ATTEST:

Karla S. Canada

~~Judy Highburger~~, Secretary
Karla Canada

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, APRIL 20, 1998, IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: Minutes of April 13, 1998

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of Willow Lake Estates, Section One, Lot 14 George W. Jenkins Subdivision (Vol. 79, Pg. 616, B.C.D.R.), Lots 1 and 2 Narregang's Subdivision (Vol. 01, Pg. 92, B.C.D.R.) and Lot 25 O.W. Willits Subdivision (Vol 03, Pg. 65, B.C.D.R.) and being in the W. D. C. Hall League, Abstract No. 70 Pearland, Brazoria County, Texas.

Variance Request:

Cul-de-sac length greater than 600 feet on Windcrest Court.

B. CONSIDERATION AND POSSIBLE ACTION - Preliminary Plat of Sunrise Lake, Section One, 60.18 acres of land found in the John W. Maxey Survey, Abstract 721 Brazoria County, Texas.

Variance Request:

1. Twenty foot front building line on cul-de-sac lots.

2. Ten foot set back between houses.

C. CONSIDERATION AND POSSIBLE ACTION - Review of Corridor Overlay Plan for Pearland Parkway/Oiler Drive.

IV. NEXT MEETING DATE: April 27, 1998, 6:30 p.m.
Joint Public Hearing

V. ADJOURNMENT

Posted: 16th Day of April, A.D., 1998
12:01 P.M.

Removed: 21st Day of April, A.D., 1998

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, APRIL 13, 1998, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 6:47 p.m. with the following present:

Chairman	Mary Starr
Vice-Chairman	Tommy L. Scott
Commissioner	Jack D. Mathis
Commissioner	Emil Beltz
Commissioner	Don Baker
Planning & Zoning Secretary	Karla Canada

Commissioners Pat Lopez and Nghiem Doan were absent.

II. APPROVAL OF MINUTES: Minutes of April 6, 1998

Commissioner Jack Mathis made a motion, seconded by Commissioner Don Baker to approve the minutes of the April 6, 1998 meeting.

Motion passed 5-0.

III. NEW BUSINESS

A. **CONSIDERATION AND POSSIBLE ACTION** - ZONING APPLICATION NO. 247, request of R. West Development Co., Inc., agent for Frank D. Barringer, Trustee, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to General Business District (GB) on the following described property, to wit:

> Being a 1.6142 acre tract located in the H. T. & B. RR Co. survey, A-241, same being out of 39.2484 acres conveyed in 96-015983 of the Official Records, Brazoria Co. TX (6516 Broadway)

Vice-Chairman Tommy Scott made a motion, seconded by Commissioner Emil Beltz to table Application No. 247.

Motion passed 5-0.

B. **CONSIDERATION AND POSSIBLE ACTION** - ZONING APPLICATION NO. 286, request of R. West Development Co., Inc., agent for Frank D. Barringer, Trustee, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development District (SD) to General Business District (GB) on the following described property, to wit:

Being 3.4228 acres in the H.T. & B. RR Co. survey, A-241, and being out of a 39.2484 acre tract conveyed in 96-015983 of the Deed Records, Brazoria Co. TX (6516 Broadway)

Commissioner Emil Beltz made a motion, seconded by Commissioner Jack Mathis to approve Application No. 286.

Motion passed 5-0.

C. **CONSIDERATION AND POSSIBLE ACTION** - ZONING APPLICATION NO. 258, request of Paul and Alice Gutierrez, owners, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Single Family Dwelling District (R-1) to General Business (GB) on the following described property, to wit:

Being designated as Tract 20, Sandoval Subdivision containing .370 ac. In the west ½ of the northeast 1/4, Section 15, HT & BRR Co. Survey, A-241, Brazoria Co., TX (6606 W. Broadway)

Chairman Mary Starr read a letter submitted by Paul Gutierrez to staff, stating he wishes to rezone the property in question to General Business. She also read the letter of recommendation from Planning and Zoning to City Council from the March 23, 1998 meeting recommending that the application be tabled at that time.

Vice-Chairman Tommy Scott made a motion, seconded by Commissioner Emil Beltz to approve Application No. 258.

Motion passed 5-0.

IV. NEXT MEETING DATE: Monday, April 20, 1998, 6:00 p.m.

Director of Planning & Community Development Dennis Smith stated that the hearing for the overlay district for Pearland Parkway and Oiler Drive is scheduled for April 27. He also stated that there will be a workshop on May 18 to address the Comprehensive Plan.

V. ADJOURNMENT

The meeting was adjourned at 7:18 p.m.

Minutes approved as submitted and/or corrected this 20 day of April, A.D., 1998

Mary Starr

Mary Starr
Chairman

ATTEST:

Karla S. Canada

Karla S. Canada, Secretary

LENTZ ENGINEERING, L.C.

CONSULTING CIVIL ENGINEERS AND PLANNERS

RECEIVED APR 1 3 1998

April 8, 1998

The Planning and Zoning Commission
City of Pearland
3519 Liberty Drive
Pearland, Texas 77581

Re: Willow Lake Estates, Section 1
LE #97082

Ladies and Gentlemen:

We are hereby requesting the following variance as you consider the Final Plat for the above mentioned project:

1. We are requesting a variance for a cul-de-sac length of greater than 600 feet on Windcrest Court. The length from centerline of street to the center of the cul-de-sac is 729 feet or 129 feet longer than the maximum. In addition, this length has not changed since the submittal of the overall Master Plan.

We appreciate your consideration of these matters. If you have any questions or require any additional information, please do not hesitate to call. I remain,

Very truly yours,
Lentz Engineering, L.C.

Thomas R. Langford

Thomas R. Langford, P.E.
Vice-President

TRL:ih

w:\LE97082-2

1328 SOUTH LOOP WEST, SUITE 201 · HOUSTON, TEXAS 77054
(713) 796-1212 · FAX (713) 796-1219

Ferro • Saylors, Inc.
Architecture • Engineering • Planning

RECEIVED APR 1 3 1998

April 8, 1998

Mr. John Hargrove, P.E.
City Engineer
P.O. Box 2068
Pearland, Texas 77588-2068

Reference: Amvest Corporation
Sunrise Lake, Section One
FSI JO 98002-10

Dear Mr. Hargrove:

On behalf of Amvest Corporation, variances on the following items:

1. A 20 foot front building line on cul-de-sac lots.
2. A 10 foot set back between houses.

The request is based on the following considerations:

Twenty Foot Front Building Line

1. Lots that front on a cul de sac will have a greater distance between houses than the 100 foot (50ft + 25ft + 25ft) that occurs on a typical 50 foot right of way with a 25 foot building line on both sides. With a 20 foot building line, the separation between houses across the cul de sac will be 140 feet (100ft + 20ft + 20ft) and will lessen the appearance of the houses being crowded.
2. The 20 foot building line outside the right-of-way provides adequate space to park a car without blocking the sidewalk.
3. Cul-de-sacs typically crowd the depth available for building s house. A 20 feet building line provides more space toward the front of the lot to position a house and provide a back yard.

Five Foot Side Building Setback will be required to accommodate the minimum lot size of 65ft. This side set back along with the developer's deed restriction will provide for a uniform development so that lots do not appear crowded.

Based on these considerations, we request these variances be approved. If you have any questions or need additional information, please call.

Sincerely,

Joseph H. duMenil
Project Manager

cc: Mr. Ken Caffey
FSI File

I:\HD\Amvest\Variance.doc

DRAFT: 3/31/98; 10:42 am
overlay2.835

ORDINANCE NO. 835

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, CREATING A NEW CHAPTER ____, ENTITLED _____, OF THE CODE OF ORDINANCES OF THE CITY OF PEARLAND, TEXAS, [overlay]

[CONTAINING DEFINITIONS; PROVIDING A PENALTY FOR VIOLATION; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; PROVIDING FOR PUBLICATION, CODIFICATION, AND AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.]

WHEREAS, the City of Pearland, a home-rule municipality, is authorized by Charter to adopt and implement necessary and reasonable ordinances in the best interests of its citizenry; and

WHEREAS, the City of Pearland may, in accordance with its inherent police powers take necessary actions to control _____; and

WHEREAS, the

WHEREAS, the

now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

"CO - Corridor Overlay District

General Purpose and Description

The intent of this district is to exercise greater control over the aesthetic, functional and safety characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.

This district is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the

standards of the underlying conventional districts with new or different standards which are more restrictive. In the event of a conflict between the standards of the Corridor Overlay District and the regulations of the underlying zoning district, the standards described herein will prevail. Regulations of the underlying zoning district not augmented or otherwise supplemented by the Corridor Overlay District will continue to prevail.

District Boundaries

The corridor overlay standards apply to the future development and use of all land within the depth of the lot up to a maximum of 300 feet on either side of the street right-of-way along the following specified major thoroughfares:

1. Pearland Parkway

2. Oiler Drive

Lot and Setback Standards

A. The minimum front yard building setback adjacent to a specified major thoroughfare is 20 feet.

B. All off-street parking, maneuvering and loading areas shall be set back at least 30 feet from any street right-of-way line.

C. All opaque screening walls and fences shall be set back at least 30 feet from the right-of-way line of a specified major thoroughfare.

D. All open storage areas, where permitted by the underlying zoning district, shall be set back at least 30 feet from the right-of-way line of a specified major thoroughfare.

E. No buildings, parking areas, or other impervious structures (except as noted herein), are permitted within the recognized floodway, as identified by the City Engineer, or within 50 feet of the high bank, whichever is greater, of a creek or other drainageway proposed as a linear park in the City's Park Master Plan. Permitted exceptions include drainage-related structures and pavement, paved pedestrian or bike trails, picnic tables, and paved surfaces beneath picnic tables.

F. No building, parking area, or other visual obstruction shall be located in any required visibility triangle.

ORDINANCE NO. 835

Building Facade Standards (Supplements Section 20.6 Building Facades)

A. Requirements are applicable to all structures except single-family detached dwellings. Facade design plan of entire project shall be submitted with site plan review documents.

B. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to:

1. Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.

2. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.

3. Incorporate details that create shade and cast shadows to provide visual relief.

C. Building Materials:

1. A minimum 75% of any exterior wall visible from the specified major thoroughfare shall be covered by masonry (including, but not limited to brick, textured concrete, concrete block, stone, and stucco) and glass.

2. Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.

3. A minimum 25% of an exterior wall facing the specified major thoroughfare shall be transparent in order to promote personal safety by permitting visibility between building occupants and outdoor pedestrians and drivers.

4. All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center or integrated business development shall have similar architectural design, color, and materials.

D. Building colors shall be provided in accordance with the approved color palette prepare by the City Manager or his designee.

ORDINANCE NO. 835

Access and Off-Street Parking Standards

A. The maximum number of driveways permitted for each lot, along the specified major thoroughfare, shall not exceed the following limits:

   1. Two access points for lot frontages of 400 feet or less

   2. Three access points for lot frontages of 401-600 feet

   3. Four access points for lot frontages greater than 600 feet

B. The minimum distance between driveways and street corners is determined by the functional classification of the street and shall not be less than the following distances as measured from the extended right-of-way line of the intersecting street to the nearest extended curb line of the intersecting driveway:

   1. 100 feet along major thoroughfares

   2. 60 feet along collector streets

   3. 30 feet along local streets

C. Driveways to service and loading areas must provide on-site maneuvering space so that vehicles are not required to back into or out of public streets.

D. Service and loading areas must provide sufficient space so that service and delivery vehicles do not block public streets while loading or unloading.

E. Parking areas located between the building and the right-of-way line of a specified major thoroughfare may not extend more than 90% (as measured at its maximum width) of the specified major thoroughfare street frontage. Parking to the side and rear of buildings is encouraged and preferred.

F. Bicycle parking, at a ratio of no less than five percent (5%) of the required vehicular parking, shall be conveniently provided for all uses allowed in the following zoning districts: Office and Professional, Neighborhood Service, General Business, and Commercial. Required bicycle parking shall include a means to secure individual bicycles.

ORDINANCE NO. 835

Landscaping Standards (Augments Section 20.3 Minimum Landscape Requirements.)

A. At least ten percent (10%) of the lot shall be landscaped open areas with a permeable surface with a coefficient of runoff equal to or less than .35.

B. Trees are required along the specified major thoroughfare as follows:

1. Large shade trees with a minimum three inch (3") caliper measured twelve inches (12") above the root ball shall be provided with the total caliper inches equal to one inch (1") for each ten feet (10') of frontage.

2. Ornamental trees with a minimum two inch (2") caliper measured twelve inches (12") above the root ball shall be provided with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage.

3. At least 60% of required street trees shall be evergreen with year-round foliage.

4. At time of planting, a minimum eight feet (8') shall be provided betweeh a tree trunk and back of curb and between a tree trunk and any planned or existing underground public utility lines.

5. At time of planting, a minimum six feet (6') shall be provided between individual trees.

C. Required interior site landscaping:

1. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.

2. No parking space shall be greater than 50' from a tree.

D. A mechanical irrigation system is required within the front yard building and parking setbacks.

Lighting Standards

A. Vehicular circulation and parking areas:

1. High pressure sodium fixtures shall be used with no direct glare onto adjacent properties or public streets.

2. Minimum light level within the parking area is 0.5 foot candles when the attendant facility is in use.

3. Standards, poles, and fixtures shall be a single color, uniform in design throughout the site and no taller than ten feet (10') above the building being served.

4. Creosote treated wooden poles are prohibited.

B. Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.

C. Accent lighting:

1. Uplighting shall be concealed or positioned to screen the light source from adjacent property.

2. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

Screening Standards

A. The following site elements shall be screened form view from a public street:

1. All mechanical and utility equipment

Screens shall incorporate shrubbery having year-round foliage, and/or a decorative wall, fence, or architectural element of the building that is a maximum 75% opaque. Roof-mounted equipment may be screened with materials that are 100% opaque.

2. Vehicle loading and unloading area

Screens shall incorporate shrubbery having year-round foliage and\or a fence, wall, or architectural element of the building that has a minimum six foot (6') height and is a maximum 75% opaque.

3. Refuse, refuse containers, and recycling containers

Screens shall consist of a solid fence, wall, or architectural element of the building with a minimum six foot (6') height.

B. All fences and walls visible from a public street shall be:

1. Constructed of masonry or other materials approved by the City Manager or his designee.

2. Consistent in color and design with the building architecture.

3. Uniform in style and materials along the entire length of the screen within a single development.

C. No fence or wall visible from a public street shall be:

1. Greater than eight feet (8') in height.

2. Located within any required visibility triangle.

3. Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels. (Exception: barbed wire may be used solely to control livestock.)

Buffering Standards:

A. The following site elements shall be visually buffered from view from a public street:

1. Outdoor parking areas located within 100 feet of any public street right-of-way

2. Fuel pumps located between the street building

3. A vehicle drive-up window facing the street

B. Required buffering with a maximum three foot (3') height shall be provided by way of one or more of the following:

1. Freestanding masonry wall

2. Landscaped earth berm with a maximum 4:1 slope

Retaining walls may be used to facilitate berming if unseen from the street.

3. Shrubbery having year-round foliage

Sidewalk Standards:

A. The required sidewalk located along the specified major thoroughfare may be located within the front yard building and parking setbacks as well as the parkway area from the back of curb to the right-of-way line.

B. A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of street right-of-way.

C. The required sidewalk shall have a curved alignment for at least 80% of the major thoroughfare street frontage.

D. Construction criteria for the required sidewalk:

1. Minimum eight feet (8') wide

2. Minimum 50 foot centerline radius and maximum 20 foot tangent

3. Minimum six feet (6') separation between back of street curb and edge of sidewalk (Exceptions: (a) street intersections, (b) bridge approaches.)

E. A minimum six foot (6') wide pedestrian walkway shall connect the sidewalk to the building entry. The walkway shall be accessible, readily visible, and paved.

Sign Standards (Supplements Section 22 - Signs)

A. Ground signs are permitted; freestanding and pole-type business identification signs are prohibited.

B. Ground signs shall have a maximum eight foot (8') height and minimum spacing of 75 feet from another ground sign.

C. One ground sign is permitted for each street frontage.

D. Iridescent, fluorescent, and "dayglo" colors are prohibited.

E. In the case of a shopping center or integrated business development, no additional ground sign shall be allowed for any individual tenant or occupant.

F. Ground sign lighting:

1. Internally illuminated, ground lit, or halo-lit letter are permitted.

2. An internally illuminated sign shall have an opaque background with translucent letters.

3. Ground lighting shall be concealed below grade or screened from view.

4. All ballasts, transformers, and conduits shall be concealed.

G. Signs on buildings with multiple tenants shall be uniform in size, color, materials and location as specified herein:

1. Tenant signs shall be integrated into a single facade-mounted graphic band, or placed in a graphic band on awnings.

2. A graphic band shall have a maximum height of three feet (3'), but may be taller for an individual tenant with more than 10,000 square feet.

3. Each message shall be centered around a common horizontal line with no more than two (2) lines of copy.

4. Typography may vary.

5. Light sources for externally lit signs shall be concealed.

6. All ballasts, transformers, and conduits shall be concealed.

H. Back-lit canopy signs attached to buildings are prohibited.

I. Window signs providing general information or advertising sales are permitted with a total square footage no greater than 25% of the total window area visible from the specified major thoroughfare. Window signs advertising sales shall not remain posted for longer than 90 days. Signs painted on glass surfaced are prohibited.

Utilities

A. All electric, telephone, and cable TV wires from the property line to all structures being served on the site shall be located underground.

B. A ten foot (10') wide water and sewer easement shall be provided along street rights-of-way.

C. A sixteen foot (16') wide utility easement along the rear lot line or other approved on-site utility corridor shall be provided to accommodate underground utility distribution lines including but not limited to electric, phone, and cable television.

----------Vernon Henry stops here----------

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[**Savings.** All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing ordinances, easements, covenants, or agreements. However, where this Ordinance and another ordinance, easement, covenant, or agreement conflicts or overlaps, the more stringent restrictions shall apply.

Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

ORDINANCE NO. 835

Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Publication/Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official City newspaper."

PASSED and APPROVED on First Reading on this ____ day of _____, A.D., 1998.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING
CITY SECRETARY

PASSED and APPROVED on Second and Final Reading this ____ day of _____, A.D., 1998.

_____
TOM REID
MAYOR

ORDINANCE NO. 835

ATTEST:

_____
YOUNG LORFING
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
INTERIM CITY ATTORNEY